

AN ORDINANCE

**96857**

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN LEGAL SERVICES AGREEMENT WITH DAVIDSON & TROILO, P.C. IN ASSOCIATION WITH ESCAMILLA & PONECK, INC. APPROVED ON AUGUST 17, 2000 PURSUANT TO ORDINANCE NO. 92329, TO INCREASE THE AMOUNT OF THE AGREEMENT BY AN ADDITIONAL \$47,533.61 TO PROVIDE PAYMENT FOR SERVICES RENDERED DURING FISCAL YEAR 2002; AUTHORIZING THE ASSIGNMENT OF SAID AGREEMENT TO THE BROOKS DEVELOPMENT AUTHORITY.

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**WHEREAS**, the City of San Antonio (the "City") requested proposals for the provision of legal assistance to the City Attorney's Office in research, advice and counsel, and document preparation in connection with the Brooks City-Base Project (the "Project"); and

**WHEREAS**, after receiving proposals and interviewing applicants, the firm of Davidson & Troilo, P.C. in association with Escamilla & Poneck, Inc., was selected and a professional legal services agreement (the "Agreement") was executed pursuant to Ordinance No. 92329, passed and approved by the City Council on August 17, 2000; and

**WHEREAS**, the conveyance of Brooks Air Force Base to the Brooks Development Authority (the "BDA"), a political subdivision of the State of Texas, created by the City Council pursuant to Chapter 378, Subtitle A, Title 12 of the Local Government Code of Texas, occurred on July 22, 2002, the Project continues to require legal assistance in research, advice and counsel, and document preparation; and

**WHEREAS**, as of December 1, 2002 costs incurred under the Agreement exceeded the initial funding of \$150,000.00 by an additional amount of \$47,533.61; and

**WHEREAS**, the BDA anticipates continued use of this Agreement and has consented through a Resolution passed and approved by its Board of Directors on December 10, 2002 to an assignment of the Agreement and to undertake the responsibility for the administration of the Agreement; and

**WHEREAS**, the City and Davidson & Troilo, P.C. in association with Escamilla & Poneck, Inc. consent to the assignment of the Agreement to the BDA after the City provides for the payment of an additional \$47,533.61 in costs associated with legal services provided under the Agreement during Fiscal Year 2002; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is hereby authorized for 60 days following the effective date of this ordinance to execute an Amendment to the Professional Legal Services Agreement between the City of San Antonio and the firms of Davidson & Troilo, P.C. and Escamilla & Poneck, Inc. to increase the amount of the contract by an additional \$47,533.61 and to execute an assignment of said Agreement to the BDA. A copy of the executed Agreement is attached hereto as **Attachment I**. A copy of the Amendment is attached hereto and appearing in substantially the same form as **Attachment II**. A copy of the Assignment is attached hereto and appearing in substantially the same form as **Attachment III**.

**SECTION 2.** Funds in the amount of \$47,533.61 are authorized for encumbrance in Fund 29-034000, entitled "Miscellaneous Special Revenue-Brooks City Base Office Fund," in Index Code 728857 entitled "Fees to Pros-Military Base Conversion" and made payable to Davidson & Troilo, P.C. for additional services provided during fiscal year 2002.

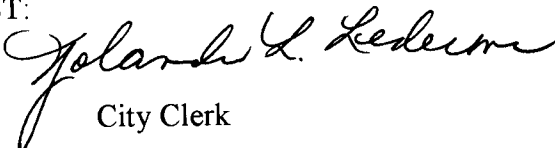
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or her designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** This ordinance shall be effective on and after the tenth (10th) day after passage hereof.


PASSED AND APPROVED this 12th day of DECEMBER 2002.

  
M      A      Y      O      R  
EDWARD D. GARZA

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
for City Attorney